

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VENANCIO DUARTE-SALAZAR,

Defendant.

8:11CR330

ORDER

This matter is before the court on the motion for an extension of time by defendant Venancio Duarte-Salazar (Duarte-Salazar) ([Filing No. 16](#)). Duarte-Salazar seeks until November 3, 2011, in which to file pretrial motions in accordance with the progression order. Duarte-Salazar has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Duarte-Salazar's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Duarte-Salazar's motion for an extension of time ([Filing No. 16](#)) is granted. Duarte-Salazar is given until **on or before November 3, 2011**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of granting the motion, i.e., the **time between October 20, 2011, and November 3, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason the defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. See [18 U.S.C. § 3161\(h\)\(7\)\(A\) & \(B\)](#).

DATED this 20th day of October, 2011.

BY THE COURT:
s/ Thomas D. Thalken
United States Magistrate Judge